

**BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS**

**IN THE MATTER OF:**

**JEFFREY GARNER, D.D.S.**

**ORDER**

On this 27th day of August, 1993 comes on for hearing the matter of Jeffrey Garner, D.D.S. The Arkansas State Board of Dental Examiners appeared by a quorum of its membership together with its attorney, William H. Trice III; Jeffrey Garner, D.D.S. appeared together with his attorney, Jim Hunter Birch. From the pleadings, evidence introduced, testimony of the witnesses, and argument of counsel, the Board finds that:

1. Jeffrey Garner, D.D.S. is a licensed dentist in the State of Arkansas under the provisions of the Dental Practice Act.

2. Jeffrey Garner, D.D.S. has not been issued a specialty license by the Arkansas State Board of Dental Examiners.

3. Pursuant to A.C.A. §17-82-305(a) and Article VII of the Rules of the Board, the areas of specialization permitted are those approved by the American Dental Association. They are: a. Dental Public Health, b. Endodontics, c. Oral Pathology, d. Oral and Maxillofacial Surgery, e. Orthodontics, f. Pediatric dentistry, g. Periodontics, and h. Prosthodontics.

4. At the request of Jeffrey Garner, D.D.S., the Arkansas State Board of Dental Examiners, on the 14th of September, 1985,

approved the fictitious name submitted by Jeffrey Garner, D.D.S., with said fictitious name being "Otter Creek Family Dentistry, Jeffrey K. Garner, D.D.S., P.A."

5. Article VI(b)(2) of the Rules and Regulations require that "each fictitious name must include the family name of the applicant and responsible dentist.

6. Jeffrey Garner, D.D.S. admitted that he advertised on page 289 of the 1993 Southwestern Bell Telephone Book Yellow Pages by listing the following "Otter Creek Family Dentistry". Said advertisement does not conform to the fictitious name approved for Jeffrey Garner, D.D.S. and does not contain the family name, "Garner."

7. Jeffrey Garner, D.D.S. admitted that he advertised on page 286 of the 1993 Southwestern Bell Telephone Book in the Yellow Pages by placing an advertisement which had the words "cosmetic and family dentistry".

8. Jeffrey Garner, D.D.S. said that he has placed a sign in his window stating that he provides cosmetic dentistry. The Board finds that Jeffrey Garner, D.D.S. in utilizing said advertising and signage, implies to the general public that "cosmetic dentistry" is a specialty.

9. The Board finds that Jeffrey Garner, D.D.S. was not professionally incompetent when he performed a root canal on tooth #30 of patient D.B.

**WHEREFORE IT IS CONSIDERED ORDERED AND ADJUDGED THAT:**

1. Jeffrey Garner, D.D.S. has violated the Dental Practice

Act, more specifically, Arkansas Code Annotated § 17-82-316(d) that is advertising in a false, fraudulent or misleading manner and not in compliance with the rules and regulations of the Board, more specifically, advertising without utilizing his family name.

2. IT IS FURTHER ORDERED AND ADJUDGED THAT as a result of the violations stated hereinabove, no sanction will be imposed.

3. Jeffrey Garner, D.D.S. Violated the Dental Practice Act, more especially Arkansas Code Annotated § 17-82-316 (d), that is advertising in a false, fraudulent or misleading manner and not in compliance with the Rules and Regulations of the Board, more specifically Article VII(c), that is implying a specialty in his advertising.

4. IT IS FURTHER ORDERED that as a result of the violation of the Practice Act, as described in Paragraph 3 above, the following sanctions are given:

a) Jeffrey Garner, D.D.S. is fined the sum of \$1,000.00 to be paid to the Arkansas State Board of Dental Examiners within thirty (30) days of the date of this order.

b) Jeffrey Garner, D.D.S. will be placed on probation for a period of eighteen (18) months with the terms of probation being that:

i. He correct all advertising and signage to comply with the Rules and Regulations of the Board within a thirty (30) day period, and

ii. He will comply with the Dental Practice Act, and the Rules and Regulations of the Arkansas State Board of Dental

Examiners.

IT IS SO ORDERED.

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

BY: Edward F. Adair  
EDWARD F. ADAIR, D.D.S., President

DATE: 9/13/93

APPROVED AS TO FORM:

William H. Trice III  
WILLIAM H. TRICE III  
Attorney for the Arkansas State  
Board of Dental Examiners

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